UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,418	04/27/2006	Takuji Maeda	P29854	3319

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EXAMINER
ALSIP, MICHAEL

ART UNIT	PAPER NUMBER
2186	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 April 2009</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>24-46</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>24-46</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>27 April 2006</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The lengthy specification has not been checked to the extent necessary to
determine the presence of all possible minor errors. Applicant's cooperation is
requested in correcting any errors of which applicant may become aware in the
specification.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 24-46** are rejected under 35 U.S.C. 102(b) as being anticipated by Ouchi
et al. (JP 2000181784), the English translation will be referenced and provided in with
this action.

3.   Consider **claim 24**, Ouchi et al. discloses an information recording medium for
storing data managed by a file system, to/from which data is written/read via a
command received from outside, the information recording medium comprising (¶'s
[0024], [0033] and [0039]): a receiving section operable to receive a command and data
from outside ([0024], [0033] and [0039], where the flash memory card receives
commands and data from outside); a first recording area in which data writing is
managed in first access unit; a second recording area in which data writing is managed

in second access unit larger than the first access unit (¶'s [0018]-[0020] and [0044],
where the buffer 19 and memory chip 13 are the first recording area and the buffer 19
and memory chip 14 are the second recording area); and a controller operable to
control access to the first or second recording area according to the received command;
wherein when receiving a write command (¶'s [0028], [0035] and [0038]), the controller
controls the access so as to select the first or second recording area depending on a
data type of the received data and to write the received data to the selected area (¶'s
[0038-[0040] and [0051]-[0053]).

4.   Consider **claim 25**, as applied to **claim 24** above, Ouchi et al. discloses wherein
the first recording area stores file system management information necessary for
managing the file in the file system, and the second recording area stores entity data of
the file managed by the file system (¶'s [0012] and [0086]-[0088]).

5.   Consider **claim 26**, as applied to **claim 25** above, Ouchi et al. discloses wherein
the data type includes a type indicating entity data, and a type indicating file system
management information (¶'s [0009], [0012], [0028], [0082] and [0088]).

6.   Consider **claim 27**, as applied to **claim 24** above, Ouchi et al. discloses further
comprising an area for storing the address management information for managing
correspondence of physical address and logical address of the first and second storage
areas (¶'s [0009]-[0012], [0042] and [0048]).

7.   Consider **claim 28**, as applied to **claim 27** above, Ouchi et al. discloses wherein
the address management information includes information about write position of data
(¶'s [0009]-[0012], [0042] and [0048]).

8.   Consider **claim 29**, as applied to **claim 24** above, Ouchi et al. discloses wherein the data type is specified by an argument of the command, and the controller judges the data type on the basis of the value of the argument (¶'s [0025], [0028]-[0029] and [0090]-[0099]).

9.   Consider **claim 30**, as applied to **claim 24** above, Ouchi et al. discloses wherein the first recording area and second recording area are provide on mutually different storage devices (¶ [0029], [0042] and [0107]).

10.   Consider **claim 31**, as applied to **claim 30** above, Ouchi et al. discloses wherein the different storage devices have different characteristics of rewrite life (¶'s [0007], [0013]-[0015] and [0107]).

11.   Consider **claim 32**, as applied to **claim 24** above, Ouchi et al. discloses wherein the controller judges the data type on the basis of a write position of the data (¶'s [0044], [0051]-[0060]).

12.   Consider **claim 33**, as applied to **claim 32** above, Ouchi et al. discloses wherein the receiving section receives from outside information about position or size of the file system management information which is necessary for managing the file in the file system, the information recording medium further includes a FS management information register operable to hold the information about position or size of the received file system management information, and the controller judges the data type on the basis of the value of the FS management information register when receiving the write command (¶'s [0025], [0028]-[0029], [0038] and [0090]-[0099]).

13.   Consider **claim 34**, as applied to **claim 33** above, Ouchi et al. discloses the information recording medium according to claim 33, which, when receiving the information about position of **the** file system management information, judges whether the received position of the file system management information is included in the second recording area, and if included, moves data of predetermined size including the received position from the second recording area to the first recording area (¶'s [0015], [0055]-[0063], where if data is to be written to a sector in memory chip 14 of the second storage area, data present in the cluster is moved to the buffer (which is part of both the first and second storage area), old data eliminated and all the data is moved back to the memory chip 14).

14.   Consider **claim 35**, as applied to **claim 34** above, Ouchi et al. discloses wherein, when the first and second recording areas are provided on nonvolatile storage devices having predetermined data erase units, the predetermined size is same as the size of the larger data erase unit (¶'s [0015], [0055]-[0063], where the size of the data evacuated to the buffer is the same size of the cluster stored on memory chip 14).

15.   Consider **claim 36**, as applied to **claim 33** above, Ouchi et al. discloses wherein when receiving a write command, the controller judges the data type by comparing the value of FS management register with the write address specified by the write command (¶'s [0057]-[0060]).

16.   Consider **claim 37**, as applied to **claim 24** above, Ouchi et al. discloses wherein the first and second storage areas are provided on the same storage device (¶ [0029], [0042] and [0107]).

17.   Consider **claim 38**, as applied to **claim 24** above, Ouchi et al. discloses

comprising: a slot for loading the information recording medium; an access control

section operable to control writing and reading of data in the information recording

medium loaded in the slot; and a file system control section operable to control the file

system established on the information recording medium loaded in the slot, and transmit

data and information about the data type to the information recording medium, when

writing to the information recording medium (¶'s [0033], [0038]-[0041] and [0106]-

[0107]).

18.   Consider **claim 39**, as applied to **claim 38** above, Ouchi et al. discloses wherein

the file system control section specifies, as the data type, a type indicating data entity or

file system management information ([0009], [0012], [0082] and [0088]).

19.   Consider **claim 40**, as applied to **claim 33** above, Ouchi et al. discloses

comprising: a FS management information notice section operable to inform the

information recording medium of information about position and size of file system

management information, wherein the FS management information notice section

informs the information recording medium of information about position and size of file

system management information, prior to writing of the file system management

information (¶'s [0025], [0028]-[0029] and [0090]-[0099]).

20.   Consider **claim 41**, Ouchi et al. discloses a control method of information

recording medium, for managing data stored in the information recording medium with a

file system, comprising: managing writing of data to a first recording area in first access

unit; managing writing of data to a second recording area in second access unit larger

than the first access unit; receiving data and a write position together with a write command; selecting either one of the first and second recording areas as data writing area depending on data type of the received data; and writing the received data to the selected area (¶'s [0018]-[0020] and [0090]-[0099]).

21.   Consider **claim 42**, as applied to **claim 41** above, Ouchi et al. discloses wherein the data type includes a type indicating entity data of the file managed by the file system, and a type indicating information necessary for management of the file in the file system (¶'s [0009], [0012], [0028], [0082] and [0086]-[0088]).

22.   Consider **claim 43**, as applied to **claim 41** above, Ouchi et al. discloses wherein further comprising receiving information about data type together with a write command, and judging the data type on the basis of the received information about data type (¶'s [0025], [0028]-[0029] and [0090]-[0099]).

23.   Consider **claim 44**, as applied to **claim 41** above, Ouchi et al. discloses wherein the data type is judged on the basis of the write position of the data(¶'s [0044], [0051]-[0060]).

24.   Consider **claim 45**, as applied to **claim 24** above, Ouchi et al. discloses comprising transmitting information about data type of writing data to the information recording medium together with a write command (¶'s [0038]-[0040] and [0051]-[0053]).

25.   Consider **claim 46**, as applied to **claim 33** above, Ouchi et al. discloses comprising: transmitting information about position and size of file system management information to the information recording medium to set an area for storing the file system management information in the information recording medium; and transmitting

a write command together with data and write address to the information recording

medium to write the data (¶'s [0025], [0028]-[0029], [0038] and [0090]-[0099]).

Response to Arguments

26.   Applicant's arguments filed 4/1/2009 have been fully considered but they are not

persuasive.

27.   The Applicant argues, with respect to **claims 24 and 41** that Ouchi does not

disclose that data is written to an area depending on the type of data, but rather on the

size of the data. Ouchi discloses in ¶ [0009] that the memory is divided into four areas:

a boot sector, FAT area, root directory field and data area, indicating that specific data

is stored in specific areas, based on its type. ¶ [0042] discloses that each memory chip

has a management area and a data area, indicating that specific data in each memory

chip is stored in specific areas, based on its type and in ¶'s [0082]-[0083], Ouchi

discloses that certain types of data are assigned or restricted to certain memory block

sizes and therefore the writing of data is dependent on both size and type, meeting the

claim language.

Conclusion

28.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ALSIP whose telephone number is (571)270-1182. The examiner can normally be reached on Monday through Friday 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matt Kim/   Michael Alsip
Supervisory Patent Examiner, Art Unit 2186   Examiner
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/Michael Alsip/
Examiner, Art Unit 2186

July 7, 2009